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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,770	01/12/2004	Michael Gauselmann	ATR-A-127	1292
32566 7590 01/28/2008 PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			EXAMINER DEODHAR, OMKAR A	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/755,770

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

Omkar A. Deodhar

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8, 11-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes (US 6,043,615) in view of Lys et al. (US 6,777,891 hereafter: Lys) and in yet further view of Applicant admitted prior art.

Forbes is directed to a method and apparatus for signaling promotional operation of a gaming device using lamps, (Abstracts).

Regarding claims 1-6 and 8, Forbes discloses the following:

A gaming machine comprising a housing and a top light comprising a plurality of segments indicating game states, (Figure 1 & Col. 1. Lines 10-31); this also extends to the segment configuration of claim 8;

Controlling intensities of the light source, (Abstract);

Usage of red, green and blue light sources, (Col. 4. Lines 38-47). This is also interpreted as a variety of lighting colors, as recited in claim 6.

Forbes teaches the invention substantially as claimed. However, Forbes does not specifically indicate that the light sources must be LED's. In a related invention, Lys teaches the usage of various colored LED's in relation to slot machines, (Lys: Abstract, Figure 8 & Col. 23. Lines 20-25.) Applicant admits in the background of the invention that multicolored top lights are old and well known to the art and that they are used for signaling. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lys in view of Applicant's admitted prior art to lower manufacturing costs by having all lighting components on a slot machine to be the same. This would reduce maintenance costs both because LED's don't burn out as quickly as incandescent bulbs and by reducing the number of different types of spare parts needed in inventory. Additionally, the usage of LED's would reduce energy consumption.

Regarding claim 7, the light source forms a cylindrical structure, (Forbes, Figure 1).

Regarding claim 11,13 and 14, Forbes discloses that a microcontroller (Microchip Technologies, PIC16C54) is used for device operation, (Col. 8. Lines 29-31). Please

note that the specific microcontroller has built-in memory. Please also refer to the disclosures of Color Signaling (Col. 3 – Col. 5) and Controllable Starter Circuit (Col. 6. – Col. 8). The element of conveying a denomination of the gaming device is disclosed with respect to signaling promotional operation, (Abstract).

Regarding claim 12, Forbes discloses that lighting characteristics are varied in response to gaming events, (Abstract & Col. 1. Lines 45-65); Additionally, one could certainly program the memory with top light control codes;

Regarding claim 16, Forbes discloses, in detail, the diffusion of a light source (and diffuser element) to eliminate bright or dim spots, (Col. 4. Lines 38-47).

Regarding claim 17, Forbes discloses features as presented above, but is silent regarding the specific method for controlling light sources as recited in the claim. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have controlled light sources in the manner claimed for the purpose of maximizing player interest.

Forbes discloses claims 18-20 as presented above, with respect to claims 11 and 13-15.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes (US 6,043,615) in view of Lys et al. (US 6,777,891 hereafter: Lys) & Applicant admitted prior art in yet further view of Heidel et al. (US 6,014,594 hereafter: Heidel).

Regarding claim 9, Forbes is silent regarding a display screen.

In a related disclosure, Heidel discloses a display screen in a housing, (Figure 1, item 24).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate a display screen for the purpose of indicating game activity to a player.

Regarding claim 15, Forbes is silent with respect to the feature of indicating a maintenance need to operators (casino personnel) via lighting.

In a related disclosure, Heidel discloses a gaming machine that signals casino personnel if a maintenance need should arise, (Col. 10. Lines 58-59).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate a signaling means to indicate maintenance needs. This signaling means could operate in a plurality of different ways, including via lighting elements. An indication via lighting elements would be obvious in view of Forbes's detailed disclosure regarding indicating events via lighting. One would be motivated to indicate a maintenance need, as claimed, for the purpose of alerting casino personnel in an effective manner. Additionally, a player accustomed to the gaming interface would realize that the gaming machine is not functioning properly, especially after seeing unfamiliar lighting patterns.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes (US 6,043,615) in view of Lys et al. (US 6,777,891 hereafter: Lys) & Applicant admitted prior art in yet further view of Griswold et al. (US 6,027,115 hereafter: Griswold).

Regarding claim 10, Forbes is silent regarding multiple reels in the housing. Griswold, however, discloses reels in a housing, (Figure 1 & Figures 2A-2D);

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate reels in a gaming machine for the purpose of providing optical displays on spinning reels of a slot machine.

Response to Arguments

Applicant's arguments have been considered but are unpersuasive.

With respect to the Lys reference, Applicant argues that "the use clearly intended to be conveyed...was to add colorful effect to the slot machine housing that would attract players by its dynamic display of changing colors."

Next, Applicant argues that each segment in the Applicant's top light system has its color controllable to create a variety of colors, and as such, replacing a light bulb with a LED would not serve the same functions.

Also, Applicant argues that Forbes's/Lys's (and the cited combination of references) invention does not serve the same functions as in the Applicant's system.

Finally, Applicant argues that selection of Forbes's light sources is for purely aesthetic reasons.

Applicant's arguments seem to be directed toward the intended usage of the invention and prior art applied, as opposed to the structural features disclosed. Thus, the examiner's position is that claims do not distinguish over the prior art applied. For this reason, all claim rejections are respectfully maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM – 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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OAD

/Corbett Coburn/
Primary Examiner
AU 3714